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October 28, 2024

**VIA ECF**

Magistrate Judge Victoria Reznik  
United States District Court  
Southern District of New York  
300 Quarropas Street, Courtroom 420  
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management, Ltd., et al.*  
Civil Action No: 7:13-cv-09239-CS

Dear Judge Reznik:

This letter is written in accordance with the Court's Order of October 21, 2024 (Doc. No. 409). Clausen Miller PC. represents the following Defendants:

- 1) About, Inc. d/b/a About.com; 2) Alliance Reservation Network d/b/a Reservetravel.com; 3) Bookit.com, Inc.; 4) Expedia, Inc. d/b/a Expedia.com; 5) Fareportal, Inc. d/b/a Cheapoair.com; 6) Farebuzz d/b/a Farebuzz.com; 7) Frommer Media d/b/a Frommers.com; 8) Getaroom.com d/b/a Getaroom.com; 9) Hotels.com GP LLC d/b/a Hotels.com d/b/a Travelnow.com; 10) Hotelsbyme d/b/a Hotelsbyme.com; 11) Lexyl Travel Technologies d/b/a Hotelplanner.com; 12) Esteban Oliverez d/b/a Insanely cheapflights.com; 13) JetBlue Airways Corporation d/b/a JetBlue.com; 14) Kayak Software Corporation d/b/a Kayak.com; 15) Lonely Planet Global, Inc. d/b/a Lonelyplanet.com; 16) Metro Travel Guide d/b/a Metrotravelguide.com; 17) Netadvantage.com d/b/a IHSadvantage.com; 18) Reservation Counter d/b/a Reservationcounter.com; 19) Pegasus Solutions, Inc.; 20) Random House d/b/a Fodors.com; 21) This Exit, LLC d/b/a Roadside merica.com; 22) Travelocity.com d/b/a Travelocity.com; 23) Tripadvisor, LLC d/b/a Tripadvisor.com; 24) United Airlines, Inc. d/b/a Hotels.United.com; 25) Gogobot, Inc. d/b/a gogobot.com;



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26) Qantas Airways Ltd.; 27) WK Travel, Inc.; 28) AOL, Inc.;  
 29) Travelzoo, Inc.; 30) Charles Kessler Associates, Inc.; 31) United  
 Airlines, Inc. Successor-In-Interest to Continental Airlines, Inc.;  
 32) Swiss International Air Lines, LTD; and 33) VFM Leonardo,  
 Inc. ("The Defendants").<sup>1</sup>

The Court directed the Defendants to submit a letter to the Court stating whether the Defendants (individually or jointly) intend to proceed with a Federal Rule 12 motion on the threshold motion topics of the statute of limitations, personal jurisdiction, or extraterritoriality by joining the omnibus motion or serving a supplemental memorandum of law. The undersigned counsel, on behalf of the Defendants set forth above, state that they do not intend to raise any of these three threshold issues based on Federal Rule 12 as referenced in the Court Order. The Defendants reserve all other claims or defenses including the right to pursue the listed threshold motions in a responsive pleading or summary judgment motion. Thank you.

Very truly yours,

By: /s/ Harvey R. Herman

Harvey R. Herman

HRH:jar

cc: All counsel of record via ECF

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<sup>1</sup> We note that Kayak.com is also represented by co-counsel at the Morgan Lewis firm and they will respond to the Court Order on behalf of Kayak.com.